

REMARKS/ARGUMENTS

Applicants would like to thank Examiner Nguyen for the indication of allowable subject matter in the present application. It is believed that upon entry of the present amendment all remaining claims will be in condition for allowance.

Claims 3, 5, 7 and 34 are active in this application, claims 1-2, 4, 6, 8-33 and 35 having been canceled. Claims 3, 7 and 34 have been rewritten in independent form. These amendments are supported by the claims as previously presented. The specification has been amended to correct various errors. These amendments are supported by the specification as originally filed and would be clear to those of ordinary skill in the art. No new matter has been added by these amendments.

Claims 25-35 stand rejected under 35 U.S.C. 112, first paragraph. This rejection is obviated to the extent that claims 25-33 and 35 have been canceled, and is respectfully traversed with respect to claim 34 as now rewritten. The Examiner's objection to the negative limitation contained in claim 25 (now appearing in claim 34 as "wherein the alcohol is not a polymer-like alcohol") is supported by the specification (which specifically recites polymer-like alcohols). Further, as set forth in MPEP 2175.05(i), negative limitations are permissible, noting:

"Any negative limitation or exclusionary proviso must have basis in the original disclosure. **If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims.** See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining.")." (emphasis added)

Accordingly, since the Examiner has agreed that Applicants do positively recite polymer-like alcohols in the specification, it is therefore permissible for Applicants to specifically exclude by negative limitation, such polymer-like alcohols. As such, the rejection should be withdrawn.

The objection to claim 35 has been obviated by its cancelation.

The rejection of claims 1, 2, and 4 under 35 U.S.C. 102(b) or under 35 U.S.C. 103 over Takashima has been obviated by cancelation of those claims.

The rejection of claims 25-33 and 35 under 35 U.S.C. 102(b) or under 35 U.S.C. 103 over Jonas has been obviated by cancelation of those claims.

The objection to the specification has been obviated by the present amendment which corrects various typographical and grammatical errors.

Applicants submit that the application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.  
Norman F. Oblon



---

J. Derek Mason, Ph.D.  
Attorney of Record  
Registration No. 35,270

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 07/09)